



## **Legal Framework for Democratic Memory Policies and Mass Graves in Catalonia and Spain & Services for people who suffered retaliation**

### **HISTORICAL MEMORY: POLICY AND PRACTICE**

The Catalan Observatory at the London School of Economics and Political Science  
London (Thursday 1 July and Friday 2 July 2010)

#### **Raül Digón Martín**

Legal advisor of Memorial Democratic ([raul.digon@gencat.cat](mailto:raul.digon@gencat.cat))  
& Associate professor of Political Science (Universitat de Barcelona)

**SUMMARY:** 1. Introduction. 2. The Spanish legal framework (Historical Memory Law). 3. The Catalan legal framework 4. The Catalan specific regulation on disappeared persons and mass graves. 5. Features of the Law on mass graves 6. Services provided by the *Generalitat de Catalunya* for people who suffered reprisals. 7. Conclusion and final remarks.

**ABSTRACT:** *Social demands to know extensively the facts of the Spanish Civil War and Franco's dictatorship, along with the need to repair their victims, have become an urgent outstanding debt. Therefore, in recent years new rules regarding these issues have been approved, and some public policies of democratic memory have been implemented as well. The purpose of this paper is to provide an overview of the legal framework for Democratic Memory Policies both in Spain, as a whole, and particularly in Catalunya, though the main part of the paper focuses on issues on mass graves. In addition, the last part is devoted to state the services that the Generalitat de Catalunya, as a public administration, gives to the people who suffered retaliation during the Civil War and the dictatorship, and also to their relatives.*

**Key words:** *political transition, human rights, historical memory law, war councils, mass graves, disappeared persons, law on mass graves, retaliation and public services.*

**1. INTRODUCTION:** It is widely known that in Spain the process between the end of the dictatorship and the recovering of our current system of liberties was not one of break, but the outcome of a complex agreement between the main powers and political parties of that time. Thus the Spanish process of change, more than thirty years ago, was more a pact than a rupture. The process of transition from one regime to the other led to resignations and sacrifices, and one of the prices of this transition was that issues regarding recent history should not be part of political agenda. In that sense, according to Professor Jon Elster in his book on “*Transitional Justice*”, we can talk about the Spanish “disremembering”. In fact, we had a true process of disremembering together with an implied discourse of equal guilt between the two sides of Civil War, which is an old consensus that is on the ground of the debates around the legitimacy of the *Amnesty law* (1977) or below the process against Garzón.



As a consequence of this process, we had not any truth commission, never, nor an official research and clarification of facts neither an official demand for responsibilities for all the human rights violations committed between the beginning of the war, along the dictatorship (and, even so, during the process of political transition itself). Generally speaking, we could say that there was a grave lack of accountability on issues about Civil War and dictatorship. Hence, the Spanish democracy still has to overcome an important challenge that lies at: 1. Facing rigorous and documented knowledge of the historical facts of the Civil War and Franco's dictatorship. 2. Paying proper attention to the victims of that tragic period and to their relatives

Indeed, we could say that for a long time there has been a wide institutional silence on these matters, despite the timely adoption of some specific and shy measures to repair repressed people and the pain of their relatives (such as some economic compensations). Some analysts have called this deep institutional silence as the price to recovering liberties and formal democracy in our country. In any case, we can say that from the last seventies to the early years of this decade; these issues have not been significantly present in our political debate.

Nevertheless, a few years ago this silent consensus began to change, and the recent history of Spain, at the end of the day, began to be publicly debated in political terms for the first time. At some point, we get a certain state of opinion, a new public atmosphere which was sympathetic and receptive for a critical revision of the whole process of the political transition in Spain. At some point, it was necessary to recognize that the new democracy were so strong, eventually, to face all these terrible things from the past.

This recent shift of attention had several causes, but probably the most important were namely the following ones: 1. First of all, the growing importance of the social movement on democratic memory, meaning by this a couple of associations of citizens which are keen on this topic (both in Catalonia and along the whole territory of the state). Their legitimate demands have been a fundamental factor. 2. Secondly, the existence of new contributions to historiography by new generations of researchers who have investigated this matter from different perspectives providing a wider knowledge of that tragic period on issues such as prisons, murders or mass graves, among many others (this means new books, papers and so on). 3. Finally, we must highlight the political change produced in the State Government in 2004, and the particular situation during the first half of the previous parliamentary period, with an unusual correlation of political groups in Congress, which led to declare 2006 as "*the year of the historical memory*." Afterwards, the deputies began a hard parliamentary process to achieve the final approval of the "*Law of Historical Memory*" (2007).

These are causes –*social movements, new academic contributions and political change*- that, taking them altogether into account, can help us to understand why in Spain and Catalonia we have now a legal framework on Historical Memory and why we are implementing some public policies on these issues. Hence, once the social frame of our subject has been broadly described, we can state now its main rules.



**2. THE HISTORICAL MEMORY LAW:** The adoption of the law 52/2007, December 26- *by recognizing and extending rights and establishing measures for those who suffered persecution or violence during the civil war and the dictatorship* ("Historical Memory law") at the end of 2007, led to the expansion of rights and recognition of measures in favour of those who had suffered from several forms of violence during Civil War and Franco's dictatorship. However, note that this law reflected paradoxes, contradictions and gaps in its articles. That is, to put a clear example, the case of the war councils of the dictatorship. These were military trials, suffered by thousands of people, that were developed without the minimal guarantees of a just and right procedure (without a real defence and the right to present proves against prosecutors). They used to lead to the quick execution of the accused person.

In this point we should remember the big crime committed against Catalonia 70 years ago by executing its democratic president, Lluís Companys i Jover, without any procedural guarantees and without any true fault committed by him. Despite all the effort that has been done by the Catalan Government in relation to this subject, the nullity of the process against our president has never been declared. Equally, the nullity of the rest of trials against other people has not been declared either. The law did not set out so clearly and categorically the nullity of full law of those terrible military trials, though now it seems that some lawyers argue that this nullity could be interpreted from its literalness. In any case, what is clear is that the law was limited to declaring the radical injustice of such processes and the illegitimacy of the sanctioning organs of Franco's regime, but these are moral rather than legal concepts, and the fact is that those resolutions have not been yet formally cancelled and therefore fully expelled from the system of laws of democracy. Obviously, this remains a pending issue not resolved by the law of 2007. The establishment of a measure consisting on a symbolic declaration of recognition and personnel repair which is handled by the Ministry of Justice is not enough to recognize properly the dignity of people who were victim of fascism.

Along with this weak approach to the problem of sentences and condemnations handed down by Franco's courts, the law sets many others measures for victims of Civil war and fascism, such as economic compensations for persons killed or injured by activities in defence of democracy (although the law excludes both "*maquis*", that were former fighters for democracy after the war, and militants of antifascist organizations from the late years of dictatorship and the years of the political transition) or the withdrawal of undemocratic symbols by putting them outside from buildings and from any other elements of public space. Likewise, the law includes recognition of the right to opt for Spanish nationality by members of the international brigades and descendants of exiled people as well. Furthermore, it establishes public funding to work on exhumations of mass graves (together with the availability of a map including the zones where mass graves are expected to be). Nevertheless, despite all these measures, many problems have not been resolved at all by the law. For instance, the problem of the devolution of money stolen by the enemies of the Spanish Republic to ordinary people, who were robbed all their savings (by now, this money and other properties have been partially back to social and political organizations, but not to private citizens, and the law does not say a single word on that issue).



Regarding the regulatory development of the law, meaning by this the adoption of specific rules that should allow an efficient implementation of these measures, the bare fact is that it has been a very slow and erratic process. There was a trickle of rules drawn between scattered powers among, if not more, the Ministry of Culture (in relation to files and symbols), the Ministry of Vice Presidency (which administers grants to social associations) and the Ministry of Justice (which manages the field of attention to victims and the map of mass graves). Moreover, there is a lack of a global and coordinated vision between them, in junction with a shortage of sufficient resources, and also an absence of clear coordination between the (central) State and the Autonomous Communities, such as Catalonia. Thus, it seems that the State Government has not a comprehensive idea of a public policy of historical memory, although they keep on adopting more decrees, orders and instructions in relevant subjects, such as the access to official books that recorded deaths of civilians, the regulation of judicial military archives and, above all, the decree creating the Office for Victims of the Civil War and Dictatorship, located in Madrid to provide legal support and information to reprisal people.

Nonetheless, it should be highlight that despite the various limitations of the deployment of its measures, despite its shortcomings and contradictions, the law is a breakthrough in the process to consolidate a clear public policy on democratic memory, insofar as regulating one subject as controversial as this has first of all one symbolic goal, which is the moral recognition of people retaliated and victims of awful facts (the words of the preamble are truly important, even ideologically, as far as they talk about the right to memory such as one part of the condition of democratic citizenship), and also because of the proper establishment of its measures, though weak and incomplete (as we have seen). In this sense, the law could be understood as a starting point, not as a final solution, and so it is indisputable that it is a step that must be developed.

According to this approach, it is important to mention the motion that was recently approved by Congress (May 2010) to promote the implementation of public policies on recovery of memory altogether with an ambitious development of the law of Historical Memory. That motion, regardless of its differing interpretations, asks for advancing the realization of everything that has been already provided by law, by urging to commemorate solemnly the condemnation of Franco's regime by members of Congress, to establish a yearly day of remembrance and support for people retaliated by Franco's regime and to foster the functions and resources of the aforementioned Office for Victims. In addition, the motion asks for reforming the rules in order to avoid any interpretation of the *Amnesty Law* (1977) that could be used as an excuse to avoid the duties of international law concerning crimes against humanity.<sup>1</sup> These reforms should help to prevent that no one can qualify as a crime the investigation of criminal facts against humanity which do not ever prescribe (unlike the embarrassing show that Spanish judiciary has given to the world in the process against Garzón). Finally, the motion also includes a specific requirement on mass graves: *Ensure public accountability and institutional tasks of localization, identification and exhumation of graves or burial grounds of the victims of the Franco's regime*, because this obligation is not ensured by the current version of the law.

<sup>1</sup> The Amnesty Law has been qualified as contrary to international law, and so required to abolition by ONU.



On this basis, taking into account the Spanish legislation on historical memory (understood as a new step forward in that field in any event), the following part of this work deals with the concrete case of Catalonia.

**3. THE CATALAN LEGAL FRAMEWORK:** Regarding the specific case of Catalonia, namely since 2000 and even before, it should be noted that there has been a special sensitivity about these matters, by implementing some public policies of active reparation to those affected by Civil War and dictatorship. The strong repression suffered by Catalonia during the Franco's regime, when the proper existence of Catalonia as a nation, and its culture and language, were in serious danger, is surely one of the causes of this particular attention.

The main example of this concern has been the policy of economic compensations to people who suffered imprisonment due to their political convictions during the dictatorship. In this field, from 2000 onwards the Generalitat de Catalunya, as a public administration, has implemented a grant program which is still in operation. It should be also mentioned the motion -217/VI- approved by the Parliament of Catalonia (27 March 2003), that asked the administration to create both a census (a list including the information of missing people) and a map to check where places of common and anonymous inhumations are thought to be located.

Subsequently, from the time when the last political change of the Catalan Government occurred, in late 2003, several measures were adopted in order to reinforce public policies to promote democratic memory. In this sense, the Statute of Catalonia, as the main political rule of the country since 2006, established in its article 4.1 that public authorities should promote the full exercise of the rights recognized in the Universal Declaration of Human Rights, and its article 54 determined that the Government of the Generalitat and other public authorities must ensure the maintenance of knowledge and preservation of historical memory of Catalonia.

Afterwards, in late 2007, many others important rules have been also adopted, namely: the decree of the structure of the Department of *Interior*, that established in its article 262 the functions of the *General Directorate for Democratic Memory*, and, above all, the law creating the *Memorial Democratic*, which statutes were subsequently approved. Beside this, along these years, another important public policy of memory has been the line of public subventions provided by the Generalitat to foster social projects to add value to the memorial heritage of the country, and projects of commemoration, research and dissemination of democratic memory and so on. These subsidies have been regulated by many orders, from the beginning of the current decade onwards, and they are still in implementation.

Among this set of rules and public policies on memory, it's important to talk about the Law 10/2009, June 30, *on the location and identification of disappeared people during the civil war and the dictatorship, and the conferring dignity on mass graves*, what was approved by Catalan Parliament one year ago and, generally speaking, is simply known as the "*law on mass graves*". Hence, the evaluation of this important rule will take us to the fourth section of this work.





**4. THE CATALAN SPECIFIC REGULATION ON MISSING PEOPLE AND MASS GRAVES:** One of the most terrible heritage of the war in Spain, from 1936 to 1939, and the aftermath of repression by the winners is the existence of a huge number of people who were executed and interred in mass graves without nobody marking the locations and controlling the identity and data of those who were interred there. Thus, it is necessary to organize the resources and tools to answer the legitimate claims of the relatives of that people, the demands of many citizens who are waiting since decades for an answer regarding the place where the mortal remains of their forefathers lie. They want to know it in order to paying homage and closing, eventually, a very long process of mourning. Moreover, in a significant number of cases, they even want to recover those remains to bury them in a respectful way, conferring dignity to their grave.

The Catalan law “on mass graves” has been thought as a way to answer those legitimate demands. Thus, we will quote a part of its preamble in order to clarify which situation the rule is expected to deal with. According to this introduction, that phenomenon is the following:

*“The military attack of 18 July 1936 against the constitutional Government, led to a long and bloody civil war that cost the lives of thousands o people. Particularly between the months of July and December 1936, arbitrary detentions, torture, extrajudicial executions and clandestine interments were widespread. Once the Civil War had finished, the institutionalized repression of the victors in the form of courts martial without legal guarantees continued for a long time following the war. The first action towards recovering, identifying and conferring dignity on the remains of the victims of extrajudicial executions and clandestine interments in Catalonia was taken by the Court of Appeal in 1937 at the request of Government of the Generalitat. In the case of the rebel authorities, the first resolutions against the exhumation and transfer of remains of disappeared persons were adopted in October 1936 and were expanded once the war had finished, but in this case they were only applicable to the victims of Republican repression, condemning the victims of Francoist repression to oblivion, with their remains in many cases even now in mass graves, the locations of which are not always known. The burial sites of numerous soldiers in the both the Republican and Francoist armies that are close to the lines of the old fronts and field and military hospitals are similarly unknown. The result of this is that the majority of those executed in Republican territory were located, exhumed, identified and interred in their places of origin after the Civil War, in accordance with the regulations promulgated in 1936. In contrast, many citizens who were executed by the dictatorship of Franco were excluded from the aforementioned regulations. This difference in the legal treatment received by the victims of repression caused their families additional suffering, which has been prolonged into the present day, and for them it still constitutes a violation of the principle of equality recognized by Article 14 of the Spanish Constitution, which establishes equality before the law that may not suffer any form of discrimination because of birth, race, sex, religion, opinion or any other personal or social condition or circumstance...”*

Due to the necessity to provide an answer to this grave and sad reality, the elaboration of a certain regulatory block has advanced; a normative framework that goes beyond the law itself, which is made by the following parts: 1. The Law 10/2009, of June 30, “on mass graves.” 2. The Decree of development of the Law, what clarifies the procedures to ask for public actions (without this statutory regulation the law would be a useless one). 3. Three technical protocols of actions that regulate in detail the most important works of the law, namely: a) Collecting surface of human bones remains that use to appear due to new constructions (involves both archaeological and anthropological methodologies). b) Exhumation in mass graves (involves previous historical research and, if possible, DNA analysis). c) Conferring dignity to mass graves by installing signals on the places of inhumations, recovering them as places of memory and burial sites.



**5. FEATURES OF THE LAW ON MASS GRAVES:** What are the characteristics of the Catalan law on mass graves? To state the main points of the Law 10/2009, June 30, which is the key element of the normative frame of this subject (developed by the aforementioned decree and the technical protocols) it is necessary to set out these questions: 1. Objectives. 2 Means of acting. 3. Who can legitimately call for public action? 4. How petitions are to be evaluated?

**5.1. Objectives.** The main goals of the law are: a) the location of persons who disappeared<sup>2</sup> during the aforementioned historical period (in order to assure the right to get information to their relatives), b) when it is possible, recover their remains and identify them on behalf of the families, c) the marking of the locations of mass graves, conferring dignity on them and recovering them as sites dedicated to the memory of the victims. In addition, the law has an underlying and more abstract goal, a derivative objective which is the fulfilment of the right of society to know the truth about the human rights violations committed then. This is the right of population as a whole to acquire knowledge, as much as possible, about those appalling facts.

**5.2. Means of acting.** The basic tools to achieve the different goals of the Law are these two:

a) A List of Disappeared Persons: What is a public administrative register to include any details that would be useful in locating and, where possible, identifying the disappeared people in relation to whom the action by the Administration of *Generalitat de Catalunya* has been requested. Hence, this census is to make possible the research of missing people (it must record the data –age, political affiliation, etc- of persons of whom someone is looking for, and the data of the persons or entities that apply for the research). The list is associated with complying with data protection regulations, while remaining under the protection of high-level action.

b) Locations maps: These are maps depicting in detail the areas within Catalonia where the remains of disappeared persons are located or where, according to the available information, they may be located (these areas, meanwhile, must be protected). These maps should be produced by the *Generalitat de Catalunya* alongside with other public and private not-for-profit institutions with purposes of association to historical and archaeological research. They are available to people in a web, and this availability has been stipulated by law. Likewise, they are fully compatible with Spanish integrated map stipulated in the Historical Memory Law.

**5.3 Who can legitimately call for public actions?** Those who can encourage actions under the law vary depending on the sort of actions which are called for. Setting aside the system for actions to conferring dignity on mass graves (that is a protocol of agreements between cities councils and *Generalitat*);<sup>3</sup> and regarding tasks for location and tasks of recovering of remains:

<sup>2</sup> For the purposes of the Law, by disappeared persons we mean those who disappeared from the front (1); from captivity (2) or due to a “forced disappearance” (3, i.e. The arrest, detention, abduction or any other form of deprivation of the liberty of a person by the public authorities, political organizations or trade unions or with their authorization, support o acquiescence, followed by the refusal to admit to this deprivation of liberty or give any information about the fate or whereabouts of this person, with the intention of depriving them of the protection of the law (Article 2 of the Law on mass graves).

<sup>3</sup> And also setting aside the discovery of remains of disappeared persons (regulated by the article 10 of the Law on mass graves).



1. *Persons and entities that may legitimately call for investigations into the location of disappeared persons* (Article 3): a) The Administration of the *Generalitat* and local public authorities. b) Persons who have been the spouse (or similar) of the disappeared person, and their direct descendents and relatives by blood or adoption. c) Private, not-for-profit entities those are mainly active in Catalonia and whose purposes of association include this type of activity or historical research in general.

2. *Persons and entities that may legitimately call for recovery and identification of the remains of disappeared persons* (Article 7):<sup>4</sup> a) The Administration of the *Generalitat* and local public authorities. b) Persons who have been the spouse (or similar) of the disappeared person, and their direct descendents and relatives by blood or adoption (even the nephews but not beyond). c) Private, not-for-profit entities that are mainly active in Catalonia with purposes of association that include this type of activity or historical research in general (when they act in the name of those -b- persons).

However, activities related to recovering and identifying the disappeared persons shall be undertaken on the initiative of the public department responsible for democratic memory, taking into account the results of actions carried out to locate said disappeared persons and the technical and financial viability of the activities. In relation to this point the Catalan law on mass graves and the Spanish law on historical memory diverge: On the one hand, according to the first one it is the responsibility of the Administration of the *Generalitat* to take any action that may be necessary in order to recover and identify the remains of persons who disappeared. This action shall be paid by the Administration of the *Generalitat*, provided that there are resources available, and notwithstanding contributions from other governments or institutions, public or private. On the other hand, the Spanish law determines a model of subsidies –in operation since 2006– to defray expenses for activities of localization and identification of victims, as a system of collaboration between government and citizens (despite the requirement of the aforementioned motion from May). Hence, there are relevant distinctions between the Spanish model and the Catalan one regarding who funds and does the works and if the system is public rather than private: while in Catalonia the *Generalitat* assumes –materially and financially– the whole tasks of the works to exhume, in the rest of the State citizens and entities are developing themselves those tasks with public funding.

**5.4 How petitions are to be evaluated?** The Administration of the *Generalitat* shall inform the persons or institutions mentioned whether or not an action is to be taken. Where no action is taken, it shall give reasons and indicate what government resources are available (Article 7). To make a decision about the petitions of acting, the Administration has the professional support of a “*Technical Commission for the Recovery and Identification of Persons who disappeared during the Civil War and the Francoist Dictatorship*”, a collegiate advisory body (Article 12) that provides practical and useful –but non-binding– recommendations.

<sup>4</sup> Requests for the undertaking of actions regulated by this Article shall be accompanied by a report, or any documentary evidence, that provides reasons for such action (Article 7).





**6. SERVICES BY THE GENERALITAT FOR PEOPLE WHO SUFFERED REPRISALS:** As a part of the Memorial Democratic (from the *Generalitat* of Catalunya) the Unity of care for people who suffered reprisals is a team composed by professionals from different areas (such as law, contemporary history or political science) which are engaged to care for citizens who suffered various forms of violence and reprisals due to the Civil War and Franco's dictatorship, in compliance with the rules previously discussed. This group provides a set of services that that can be classified into the following five areas of work:

**6.1 Search for missing persons.** It deals with the search of data from missing people along the Civil War or the Franco's dictatorship at the request of their relatives or social associations, by applying the following procedure: 1. Reception and registration of applications for research data of disappeared persons. 2. Management and maintenance of the Census of missing persons from the Civil War and the dictatorship in order to allow the research. 3. Processing and resolution of cases arising from the applications received (as outcome of exhaustive compilation of available documents in archives and detailed analysis of each case). 4. Sending to the family or to the entity requesting, as soon as possible, a historic report closing the case with the data obtained, attaching copies of the documents achieved by the research.

**6.2 Legal advice.** This sub area has to do with answering questions and providing information to individuals, entities and Public Administrations interested in subjects such as: 1. the official declarations of personal repair and recognition for people who suffered reprisals because of the Civil War and Franco's dictatorship. 2. The review and cancellation of Franco's court-martials and other processes of condemnation. 3. The analysis of new laws, regulations and case law on democratic memory (in the regional, national and international levels). 3. Measures of compensation, withdrawal of undemocratic symbolism or regarding the acquisition of nationality. 4. Other measures of social or political recognition and repair of reprisal people.

**6.3 Advice on historical issues.** This part involves the works to provide information to citizens -such as victims, students, researchers, civil servants from other administrations, persons from specialized entities and so on- interested in: 1. Contemporary History of Catalonia and Spain (particularly from the period of the Civil War, the Franco's dictatorship and the political transition). 2. Information of bibliography, oral sources and files and records, in order to facilitate the access to them. 3. Information about the organization of seminars, conferences, events and publications on Democratic Memory and History.

**6.4 Financial compensations and support for former political prisoners.** These are the tasks to manage compensations for those who suffered imprisonment for political reasons along the dictatorship, meeting their requirements in accordance with this procedure: 1. Reception and recording of applications due to imprisonment for political reasons. 2. Processing and resolution of petitions (as outcome of detailed assessment of each case and exhaustive documentary research in coordination with the Justice Department). 3. Resolution of every single case by reasoning the giving of the compensation requested or its denegation. 4. Sending of resolutions and legal study of possible litigation at courts. 5. Information on other grants.



**6.5 Actions on mass graves of civil war and dictatorship.** These services deal with the requests from families, social organizations and public administrations to locate, recover and identify remains of missing persons (and marking the locations to confer dignity and recovering them as spaces for memory), according to the following procedure: 1. Reception and registration of applications for public actions to exhume -or to confer dignity- to mass graves in Catalonia. 2. Processing and resolution of applications received (fully meeting all the available documentation). 3. Delivery to the applicant a motivated letter with the decision taken by the Department of the Government competent in the area of Democratic Memory.

Furthermore, the Unity receives reports of findings on the surface of human bone remains from the period of the Civil War and the dictatorship and, subsequently, applies in these cases the current legislation and the specific protocol of technical actions. To carry on with these tasks, the Unity manages and maintains updated and publicly available a map of mass graves of Civil War, accessible in the web of Memorial Democratic.

**7. CONCLUSION AND FINAL REMARKS:** Due to the characteristics of the political process of transition in Spain from the last seventies onwards, we hadn't got a proper framework of rules regarding issues of democratic memory –and the subsequent implementation of a set of public policies on that subject- until recent years. Therefore, it is sound that many citizens think that this new group of laws and policies<sup>5</sup> has come too late. Indeed, these measures of retribution and reparation definitively come so late, insofar as an important number of those who suffered along years due to several horrors of civil war and dictatorship, and have died along the last decades, will never see any improve in the recognition of their dignity and a public clarification of responsibilities for those awful facts.

Nevertheless, the hopeful experience of institutions such as Memorial Democratic in Catalonia, altogether with some important social entities, shows that there is still a huge number of legitimate claims to face, and also that some old taboos of deep silence have been already put into question firmly. Hence, there is still a lot of work to do both in the field of reparation and in the advancing of knowledge of History. Despite the strength of an old heritage of antidemocratic political culture, despite the lack of a propitious correlation of political forces sympathetic to these social demands, there are still many efforts to be done by those –ordinary citizens, associations, researchers and civil servants- that are ethically committed with justice and democracy.

In fact, to keep on working on the development of this sort of laws and the implementation of public policies of democratic memory to the forthcoming years it is enough to remember that, at the end of the day, memory, history and justice have not to do with the past, but with the quality of democracy and the continuous transmission of liberty values and solidarity principles between generations.

June 2010

<sup>5</sup> To read more: [www.20.gencat.cat/portal/site/memorialdemocratic](http://www.20.gencat.cat/portal/site/memorialdemocratic) and <http://leymemoria.mjjusticia.es/>